

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,221

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Appeal of)

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INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare terminating his Medicaid assistance based on a finding by the Social Security Administration that he is no longer disabled.

FINDING OF FACT

1. The petitioner is a twenty-seven-year-old man who has no dependent children. He is currently a full-time college student and works part-time at a gas station earning about \$300 per month.
2. Prior to February of 1996, the petitioner was categorized as disabled based upon a kidney transplant he had in May of 1994. The operation proved to be successful and eventually the petitioner was able to resume his regular activities. He was cut off of Social Security benefits when his condition improved and he did not appeal that decision.
3. Based upon the decision of the Social Security Administration, the petitioner was notified by the Department of Social Welfare that his Medicaid benefits would be terminated as of March 2, 1996. The petitioner appeals this decision because he needs to take medication connected to the kidney transplant which costs about \$800 per month. He has no money with which to pay for those medications.

ORDER

The decision of the Department is affirmed.

REASONS

For persons who are not under the age of twenty, pregnant or the parents or caretaker relatives of dependent children, the Medicaid regulations link eligibility for benefits to membership in one of the following categories:

An applicant for Medicaid must establish his/her categorical relationship to SSI by meeting one of the

following requirements:

- (1) 65 years of age or over; or
- (2) blindness as determined by the state's disability determination agency (DDS), or by the receipt of Social Security Disability benefits...or
- (3) disability as determined by the state's disability determination agent (DDS), or by the receipt of Social Security Disability benefits.

M211

The petitioner's eligibility was established by his receipt of Social Security benefits. When those benefits were terminated, he established no other basis for eligibility. Under the regulations, "failure to pass any one of the tests will result in...termination of Medicaid coverage". M210. The Department was thus correct in terminating the petitioner's Medicaid coverage.

The petitioner is encouraged to apply for the Vermont Health Assistance Plan, which has no disability requirements or to apply for catastrophic assistance funds under the General Assistance program if he finds he cannot pay for life-saving drugs.

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